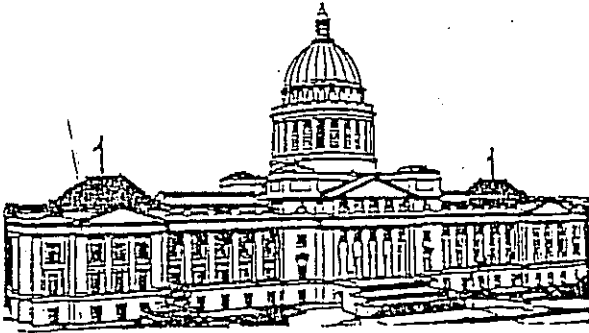


ARKANSAS REGISTER

Transmittal Sheet



Sharon Priest
Secretary of State
State Capitol Rm. 01
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date 10/21/99 Code Number 006.05.99-003
Name of Agency Department of Finance & Administration
Department Revenue Division
Contact Person Don Zern Phone 682-7751
Statutory Authority for Promulgating Rules ACA 26-18-301

	Date
Intended Effective Date	<u>8/1/99</u>
<input type="checkbox"/> Emergency	Final Date for Public Comment <u>10/8/99</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Filed With Legislative Council <u>yes</u>
<input type="checkbox"/> Other	Reviewed by Legislative Council <u>yes</u>
	Adopted by State Agency <u>10/1/99</u>

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Don Zern
Signature

682-7751
Phone Number

Taxpayer Information
Title

10/8/99
Date

FILED
STATE REGISTER DIV.
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LITTLE ROCK, ARKANSAS

MOTOR VEHICLE REGULATION 1999-3
(Supersedes Motor Vehicle Regulations 1977-2, 1977-3, 1986-1,
1988-1 and 1989-2 promulgated by the Commissioner of Revenues, Arkansas
Department of Finance and Administration)

The Commissioner of Revenues for the State of Arkansas, pursuant to the authority vested in him by Act 142 of 1949, as amended, Ark. Code Ann. §27-14-101 et seq., and paragraph (d) of Section 5, of Act 169 of the First Extraordinary Session 1989, hereby promulgates the following regulations:

1. DEFINITIONS. For the purposes of these regulations, the term "Dealer" shall have the following meaning:

"Dealer" shall mean a person engaged in the business of buying, selling, or exchanging automobiles, trucks, trailers, semi-trailers, motorcycles, motor-driven cycles, all-terrain vehicles, mobile homes, or boats at or from an established place of business.

2. Every dealer licensed by the Office of Motor Vehicles shall, when executing any certificate of title or manufacturers certificate of origin reassignment, or any other ownership document, insert thereon the license number of the dealer's master license plate.

3. Only those dealers licensed by the Office of Motor Vehicles as dealers of either new or used motor vehicles are authorized to execute reassignments of certificates of title to automobiles, trucks, motorcycles, motor-driven cycles, and all-terrain vehicles. Provided, further, that only those dealers or manufacturers licensed by both the Arkansas Motor Vehicle Commission and the Office of Motor Vehicles are authorized to execute reassignments of manufacturer's certificates of origin to motor vehicles.

4. Every Dealer or manufacturer subject to the provisions of the Arkansas Motor Vehicle Commission Act [Act 388 of 1975, as amended, the same being Ark. Code Ann. §23-112-101 et seq. (1987)] must, in order to obtain dealer license plates, present the following to the Office of Motor Vehicles:

(a) The license issued to the dealer by the Arkansas Motor Vehicle Commission; and

(b) such other certification or authorization now or hereafter required by any law of this State.

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STATE OF ARKANSAS
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5. Every Dealer subject to the provisions of the Used Motor Vehicle Buyers Protection Act [Act 490 of 1993, as amended, the same being Ark. Code Ann. §23-112-601 et seq. (1987)] must, in order to obtain dealer license plates, present the following to the Office of Motor Vehicles:

(a) The license issued to the dealer by the Arkansas State Police; and

(b) such other certification or authorization now or hereafter required by any law of this State.

6. Every Dealer subject to the provisions of the Arkansas Manufactured Homes Standards Act [Act 419 of 1977, as amended, the same being Ark. Code Ann. §20-25-101 et seq. (1987)] must, in order to obtain dealer license plates, present the following to the Office of Motor Vehicles:

(a) The license issued to the dealer by the Arkansas Manufactured Home Commission; and

(b) such other certification or authorization now or hereafter required by any law of this State.

7. Every dealer, other than dealers of motor vehicles or manufactured homes, must, in order to obtain dealer license plates, first present to the Office of Motor Vehicles the following:

(a) Certification that the dealer has an established commercial place of business as described in Act 537 of 1987, as amended, Ark. Code Ann. §27-14-601(a) (6)(B)(I)(1987) or subsequent legislative enactment; and

(b) such other certification or authorization now or hereafter required any law of this State.

8. Dealer license plates shall be subject to the following authorized uses and restrictions:

(a) Dealer license plates may be used by a dealer on any vehicle for any purpose consistent with the operation of the dealership by the dealer, or any person authorized by the dealer except:

(i) Dealer license plates shall not be used on any passenger automobile permitted by the dealer to be used for driver training or instruction;

(ii) Dealer license plates shall not be used on any vehicle owned by the dealership that is not regularly displayed for sale at the dealer's established commercial place of business;

(iii) Dealer license plates shall not be used on dealer-owned commercial trucks or trailers in excess of ½ ton capacity for the purpose of hauling merchandise, materials, equipment, livestock, or other property;

(iv) Dealer license plates shall not be used on wreckers, parts vehicles, vehicle haulers, or other service vehicles;

(b) dealers of trailers, semi-trailers, mobile homes, and boats shall not use dealer license plates on automobiles, trucks, motorcycles, or motor-driven cycles for any purpose.

9. Pursuant to Section 65 of Act 142 of 1949, as amended, Ark. Code Ann. §27-14-101 et seq. (1987) a license certificate must be obtained from the Office of Motor Vehicles before any person shall be allowed to conduct the business of:

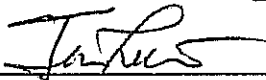
(a) Dealing in used parts or used accessories of motor vehicles; or

(b) Wrecking or dismantling any motor vehicle for resale of the parts thereof.

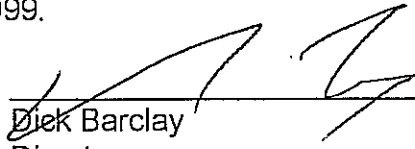
Said license certificates shall be issued in lieu of dealer license plates. Said license certificates shall not entitle any person to reassign certificates of title as a dealer of vehicles.

IN WITNESS WHEREOF, the undersigned have executed the foregoing regulations which shall be effective from and after the ____ day following their approval by the Arkansas Legislative Council.

DATED this 7 day of October, 1999.



Tim Leathers
Commissioner of Revenue



Dick Barclay
Director
Department of Finance
and Administration

DEPARTMENT: Department of Finance and Administration
DIVISION Revenue Division:
PERSON COMPLETING
THIS STATEMENT: John Theis, Assistant Commissioner of Revenue, Policy and Legal
TELEPHONE NO.: (501) 682-7000
FAX NO.: (501) 682-7900

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE: **Revenue Regulation 1999-3 -- (Motor Vehicle Regulation)**

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: No: **XX**
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. **Does Not Apply.**

<u>1999-2000 Fiscal Year</u>	<u>2000-2001 Fiscal Year</u>
General Revenue: _____	General Revenue: _____
Federal Funds: _____	Federal Funds: _____
Cash Funds: _____	Cash Funds: _____
Special Revenue: _____	Special Revenue: _____
Other: _____	Other: _____
Total: <u>\$ 0</u>	Total: <u>\$ 0</u>

None

None

4. What is the total estimated cost by fiscal year to any party subject to the, proposed, amended, or repealed rule or regulation? **None.**

1999-2000 Fiscal Year
None

2000-2001 Fiscal Year
None

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

1999-2000 Fiscal Year
No additional cost

2000-2001 Fiscal Year
No additional cost